

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

YEVGENIY E. SHTEYN

PHUS 018098

Serial No.: 09/900,375

Group Art Unit: 2841

Filed: July 5, 2001

Examiner: T.S. Phan

DIAL FACE OF WATCH GRAPHICALLY REPRESENTS CALENDAR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

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(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on July 5, 2001, at Reel 011982, Frame 0282.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1, 3, 5 and 7-11 stand finally rejected by the Examiner. Claims 2, 4 and 6 have been cancelled. Appellant hereby appeals the rejection of claims 1, 3, 5 and 7-11.

(iv) Status of Amendments

There was no Response filed after final rejection of the claims on August 21, 2008.

(v) Summary Of Claimed Subject Matter

The subject invention relates to an electronic device in the form of a timepiece, e.g., a watch, that has a graphical user interface (GUI) for providing information in addition to the time of day.

In particular, the subject invention, as claimed in claim 1, includes "An electronic device with a timepiece having a dial face simulating an analog clock". This is shown in Fig. 1, and described in the specification on page 3, lines 30-31.

As further claimed in claim 1, "said dial face comprising a display monitor". This is shown in Fig. 1, and described in the specification on page 3, line 31 to page 4, line 1.

The subject invention, as claimed in claim 1 further includes "means for generating a graphical representation of a scheduled activity on said display monitor". This is shown in Fig. 2, and described in the specification on page 5, lines 2-15.

Further, as claimed in claim 1, "the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters". This is shown in Fig. 1, and described in the specification on page 4, lines 2-12.

As claimed in claim 3, "the segment has a graphical attribute associated with a type of the scheduled activity". This is shown in Fig. 1, and described in the specification on page 4, lines 12-16.

The subject invention, as claimed in claim 8, further includes "a communication component for communicating with another electronic device". This is shown in Fig. 3, and described in the specification on page 5, lines 16-20.

As claimed in claim 10, "the other electronic device comprises an electronic calendar". This is described in the specification on page 3, lines 25-27.

Finally, as claimed in claim 11, "the other electronic device comprises a mobile phone". This is described in the specification on page 6, lines 2-12.

(vi) Grounds of Rejection to be Reviewed on Appeal

- (A) Whether the invention, as claimed in claims 1, 3, 5, 7 and 8, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent 6,449,219 to Hepp et al. in view of U.S. Patent 6,033,316 to Nixon.
- (B) Whether the invention, as claimed in claims 9-11, is unpatentable, under 35 U.S.C. 103(a), over Hepp et al. in view of Nixon, and further in view of U.S. Patent 6,477,117 to Narayanaswami et al.

(vii) Arguments

35 U.S.C. 103(a) states:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

**(A) Whether Claims 1, 3, 5, 7, 8 Are Unpatentable
Over Hepp et al. In View Of Nixon**

The Hepp et al. patent discloses a time sensing device in which an electronic device is shown having a display monitor and means for generating on the display monitor a dial face and a graphical representation of a scheduled activity. As noted by the Examiner, Hepp et al. does not teach "wherein the graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters."

The Nixon patent discloses a golf course progress monitor to alleviate slow play in which an electronic device includes a dial face 3 and a main hand 4 controlled by an internal mechanism to rotate about the dial face 3 in a clockwise direction. The dial face 3 "has a series of numbers 5, each of which corresponds to a

hole on the golf course" and "the numbers are provided around the circumference of the dial 3, and are positioned inside of equally sized arcuate segments of circular ring 6" (col. 6, lines 60-66). Instead of the main hand 4, Nixon discloses that the dial face may be an electronic display and the hand 4 is replaced by "a sector of darker color 12 that continuously increases as time passes" (col. 9, line 65 to col. 10, line 11). As described at col. 12, lines 11-15, each segment is "divided into three distinctively marked portions".

The Examiner indicated "Nixon teaches an electronic device comprising a display monitor for providing a graphical representation of a scheduled activity, wherein the representation comprises a segment [14] having a length on the dial face associated with the duration of the activity, wherein the segment has a graphical attribute associated with a type of the scheduled activity, wherein a location of the representation is representative of a begin time of the activity [column 9, line 65 - column 10, line 4]."

Appellant submits that the Examiner is mis-reading the reference and/or Appellant's claims. In particular, claim 1 specifically recites "said electronic device comprising means for generating a graphical representation of a scheduled activity associated with a time of day segment displayed on said display monitor, wherein the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the

dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters" (emphasis added). However, the noted segments in Nixon (e.g., "14") are not generated for display on a display monitor. Rather, these segments are indicia markings which do not and are not capable of changing (see col. 6, line 63 to col.. 7, line 6). As noted above, Nixon states, at col. 12, lines 11-15, each segment is "divided into three distinctively marked portions". Again, these are indicia markings which do not and are not capable of changing.

The Examiner makes mention of col. 9, line 65 to col. 10, line 4. This section of Nixon describes an alternative embodiment in which the moving dial is simulated by the dial being an electronic display and the position of the moving hand is represented by "a sector of darker color 12 that continuously increases as time passes." It should be noted that this "sector of darker color 12" is not equivalent to the generated graphic representation of a scheduled event. Rather this "sector of darker color 12" is merely indicative of the current passing of time. There is no disclosure or suggestion in Nixon of means for generating, on the display monitor, the graphical representation as indicated in claim 1.

The Examiner further adds "the Examiner only used the Nixon reference for its teachings of a "graphical segment" having a length on the dial face in place of the graphical representation of that of Hepp. Since Hepp and Nixon are from the same field of

endeavor, it would be obvious for one of ordinary skill in the art to replace one type of graphical representation with that of another.

Appellant stresses that the markings on the dial face of the Nixon device are indicia permanently inscribed in the dial face. If the teachings of Nixon were to be incorporated into the Hepp et al. device, then the Hepp et al. device would have indicia permanently inscribed in the dial face.

If, for the sake of argument, one were to take the Examiner's position that Nixon teaches graphical segments, then the combination of Hepp et al. and Nixon would result in the graphical representation of Hepp et al. displaying the graphical segments of Nixon as opposed to indicia permanently inscribed in the dial face.

However, even in this case, there is no disclosure or suggestion that "the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters", as specifically set forth in claim 1.

(B) Whether Claims 9-11 Are Unpatentable
Over Hepp et al. In View Of Nixon And Narayanaswami et al.

The above arguments in regard to Hepp et al. and Nixon are incorporated herein.

The Narayanaswami et al. patent discloses an alarm interface for a smart watch, in which an electronic device is connectable via a short range communication protocol with, for example, a mobile phone or arguably an electronic calendar. However, Appellant submits that Narayanaswami et al. does not supply that which is missing from Hepp et al. and Nixon, i.e., "means for generating a graphical representation of a scheduled activity on said display monitor, wherein the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters."

Based on the above arguments, Appellant believes that the subject invention is not rendered obvious by the prior art, either individually or collectively, and is patentable thereover. Therefore, Appellant respectfully requests that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by /Edward W. Goodman/
Edward W. Goodman, Reg. 28,613
Attorney

(viii) Claims Appendix

1. (Previously Presented) An electronic device with a timepiece having a dial face simulating an analog clock, said dial face comprising a display monitor, and said electronic device comprising means for generating a graphical representation of a scheduled activity on said display monitor, wherein the generated graphical representation comprises a segment having a length on the dial face associated with a duration of the scheduled activity, and a location of the segment on the dial face representative of a begin time of the scheduled activity, whereby a user of the electronic device is able to intuitively determine the start and end times of a scheduled activity without reading alphanumeric characters.

2. (Cancelled).

3. (Previously Presented) The electronic device as claimed in claim 1, wherein the segment has a graphical attribute associated with a type of the scheduled activity.

4. (Cancelled).

5. (Previously Presented) The electronic device as claimed in claim 1, wherein the graphical representation is programmable.

6. (Cancelled).

7. (Previously Presented) The electronic device as claimed in claim 1, wherein the said generating means generates, on said display monitor, at least a further graphical representation of a further scheduled activity.

8. (Previously Presented) The electronic device as claimed in claim 1, wherein said electronic device further comprises a communication component for communicating with another electronic device.

9. (Previously Presented) The electronic device as claimed in claim 8, wherein the communication uses a short-range communication protocol.

10. (Previously Presented) The electronic device as claimed in claim 9, wherein the other electronic device comprises an electronic calendar.

11. (Previously Presented) The electronic device as claimed in claim 9, wherein the other electronic device comprises a mobile phone.

12-13. (Cancelled).

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.